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RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA CERTIFYING FINAL EIR 564
AND ADOPTING FINDINGS FOR THE JAMES A. MUSICK
JAIL EXPANSION AND OPERATION, SHERIFF'S SOUTHEAST
STATION, AND INTERIM CARE FACILITY

November 5, 1996

On the motion of Supervisor Silva, duly seconded and carried, the following Resolution was adopted:

WHEREAS, the County Board of Supervisors acting through the Environmental Management Agency ("EMA") is the lead agency and the Orange County Sheriff-Coroner is the responsible agency for the project. After careful review in an Expanded Initial Study pursuant to the State Guidelines for the California Environmental Quality Act ("Guidelines") §15063, and a finding of significant impact pursuant to Guidelines §15064, the Board has caused to be prepared a Notice of Preparation and the Draft Environmental Impact Report ("DEIR") for the Project.

WHEREAS, the DEIR was prepared pursuant to the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines ("Guidelines") and County Environmental Analysis Procedures to evaluate the environmental effects and mitigation measures, associated with the project, as well as feasible alternatives; and

WHEREAS, the Orange County Environmental Management Agency and the Orange County Sheriff-Coroner's Department have coordinated closely on the analysis and mitigation measures in the DEIR in order to ensure that such measures are implementable during construction and operation of the project; and

WHEREAS, a Scoping Meeting was held on July 8, 1996 to solicit public comment and input on the contents of the DEIR; and

Resolution No. 96-810
James A. Musick Jail Expansion and
Operation EIR Certification

1 WHEREAS, the public suggested project modifications, analysis
2 topics for the EIR and project alternatives; and

3 WHEREAS, the County of Orange conducted extensive review of
4 the DEIR, exercising its independent judgement of the contents
5 thereof; and

6 WHEREAS, the County of Orange caused to be held two Public
7 Information meetings on the DEIR; and

8 WHEREAS, the EIR was distributed for a 45-day review period on
9 August 22, 1996; and

10 WHEREAS, written comments on the DEIR were received from the
11 public and responsible agencies during and after the 45-day review
12 period ending October 7, 1996; and

13 WHEREAS, timely comments received by 4 p.m. October 7, 1996
14 were responded to through a Response to Comments document, Public
15 Information Meetings document and staff report of October 15, 1996
16 submitted to the Planning Commission; and

17 WHEREAS, six further late comments were received through
18 October 15, 1996 and were also responded to; and

19 WHEREAS, the Planning Commission of the County of Orange
20 conducted a public meeting on October 15, 1996 to receive all
21 public testimony with respect to the adequacy of the DEIR; and

22 WHEREAS, the EMA prepared proposed Final EIR materials for
23 Planning Commission review as an advisory body to the Board of
24 Supervisors on such matters, including Responses to Comments
25 through October 7, 1996 and a proposed Planning Commission
26 Resolution; and

27 WHEREAS, the EMA recommended that the Commission recommend
28 that the Board of Supervisors find that the proposed Final EIR is
adequate and should be certified as complete and adequate; and

1 WHEREAS, the Planning Commission reviewed all environmental
2 documentation comprising the Final EIR, public testimony received
3 on October 15, 1996 and staff responses to issues raised during
4 public testimony, and recommended that the Board find that Final
5 EIR 564 considers all environmental effects of the proposed
6 project, all feasible mitigation measures, all feasible project
7 alternatives, provides a good faith, reasoned analysis of comments
8 received on DEIR 564, and is complete and adequate and fully
9 complies with all requirements of CEQA and the Guidelines; and

10 WHEREAS, ten new mitigation measures suggested by commenters
11 were added and five original DEIR mitigation measures were revised
12 at the suggestion of commenters; and

13 WHEREAS, these added or revised mitigation measures do not
14 alter the conclusions in DEIR 564, but rather amplify on mitigation
15 measures already presented, or are accepted as an accommodation of
16 public input; and

17 WHEREAS, the Orange County Sheriff-Coroner will execute a
18 Resolution of Findings immediately following that of this Board
19 pertaining to his role as a Responsible Agency with exclusive
20 control over the operation of the jails and the inmates within the
21 jails, and therefore, affirms his commitment to operational-level
22 mitigation measures; and

23 WHEREAS, a mitigation monitoring and reporting program has
24 been drafted to meet the requirements of Public Resources Code
25 §21081.6 as a Mitigation Measure Monitoring Program and is attached
26 to the Resolution of the Board. This program is designed to ensure
27 compliance with project changes and mitigation measures imposed to
28 avoid or substantially lessen the significant effects identified in
the Final EIR. The mitigation monitoring and reporting checklist,
which is included in the Final EIR and incorporated herein by
reference defines the following for each mitigation measure:

1. A time for performance - In each case, a time for performance
of the mitigation, or review of evidence that mitigation has
taken place, is provided. The performance points selected are
designed to ensure that impact related components of project

1 implementation do not proceed without ensuring that the
2 mitigation has been undertaken or satisfied.

- 3 2. A responsible party supervising performance - In each case, a
4 public official is named in the mitigation measure as
5 responsible for ensuring that the mitigation is carried out.
6 To guarantee that the mitigation measure will not be
7 inadvertently overlooked in connection with the issuance of a
8 later permit, the supervising public official who grants the
9 permit called for in the performance is named, if a permit is
10 required.
- 11 3. Definition of mitigation - In each case (except where a
12 mitigation, such as a geotechnical report, is a well-known
13 procedure or term of art), the mitigation measure contains the
14 criteria for mitigation, either in the form of adherence to
15 certain adopted regulations or identification of the steps to
16 be taken in mitigation; and

17 WHEREAS, §21081 of CEQA and §15091 of the Guidelines require
18 that the Board of Supervisors make one or more of the following
19 findings prior to approval of a project for which an EIR has been
20 completed, identifying one or more significant effects of the
21 project along with statements of facts supporting each finding:

22 Finding 1 - Changes or alterations have been required in, or
23 incorporated into, the project which avoid or substantially
24 lessen many of the significant environmental effects as
25 identified in the EIR.

26 Finding 2 - Such changes or alterations are within the
27 responsibility and jurisdiction of another public agency and
28 not the agency making the finding. Such changes have been
adopted by such other agency or can and should be adopted by
such other agency.

Finding 3 - Specific economic, social or other considerations
make infeasible the mitigation measures or project
alternatives identified in the EIR; and

1 WHEREAS, the Board contemplates and directs continuing
2 compliance with CEQA and the Guidelines in the implementation of
3 the phases and elements of the project as recommended by the
4 Planning Commission; and

5 NOW THEREFORE, BE IT RESOLVED THAT:

6 1. The Board of Supervisors certifies Final EIR 564 prepared for
7 the James A. Musick Jail Expansion and Operation, the
8 establishment of the Southeast Sheriff's Station and the
9 relocation of the Interim Care Facility as complete and
10 adequate in that it addresses all environmental effects of the
11 proposed project and fully complies with the requirements of
12 the California Environmental Quality Act and State CEQA
13 Guidelines. The Final EIR will be composed of the following
14 elements:

- 15 a. Draft EIR with revised title page and Errata Sheet;
- 16 b. Technical Appendices to Draft EIR;
- 17 c. Comments received on the Draft EIR and responses to those
18 comments;
- 19 d. Environmental Management Agency staff report dated
20 October 15, 1996.
- 21 e. Planning Commission minutes and resolution.
- 22 f. All Board of Supervisors staff reports, Agenda Item
23 Transmittal(s), resolutions, and minutes.
- 24 g. All attachments, incorporations, and references
25 delineated in a. through g. above.

26 All of the above information referred to in this resolution
27 has been or will be on file with the County of Orange
28 Environmental Management Agency, Environmental Project
Planning Division, 300 N. Flower Street, Santa Ana,
California.

2. The Board of Supervisors makes the findings contained in the attached Statement of Findings and Facts with respect to significant impacts identified in the Final EIR and finds that each fact in support of the findings is true and is based upon substantial evidence in the record, including the Final EIR. The Statement of Findings and Facts is attached hereto (Attachment A) and incorporated herein by this reference.
3. The Board finds that the Final EIR has identified all significant environmental effects of the project and that there are no known potential environmental impacts reviewable pursuant to CEQA which are not addressed in the Final EIR.
4. The Board finds that all significant effects of the project are set forth in the Statement of Findings and Facts and the Final EIR has been substantially reduced or awarded to a point of insignificance.
5. The Board finds that although the Final EIR identifies certain significant environmental effects that will result if the project is approved, all significant effects which can feasibly be substantially mitigated or avoided have been reduced to an insignificant level by the imposition of mitigation measures on the approved project. A list of mitigation measures are incorporated in the findings in Attachment B as part of the Mitigation Monitoring Program. Therefore, the Board need not make a Statement of Overriding Considerations pursuant to Guidelines §15093.
6. The Board finds that the Final EIR has described all reasonable alternatives to the project that could feasibly obtain the basic objectives of the project (including the "No Project" Alternative), even when these alternatives might impede the attainment of project objectives and might be more costly. Further, the Board finds that a good faith effort was made to incorporate alternatives suggested by the public and past County efforts concerning jail siting in the preparation of the Draft EIR and that all reasonable alternatives were considered in the review process of the Final EIR and ultimate decision on the project.

- 1 7. This Board finds that no substantial evidence has been
2 presented which would call into question the facts and
3 conclusions in the EIR, or require that the EIR evidence be
4 reexamined.
- 5 8. This Board finds that significant new information has not been
6 added to this EIR pursuant to State CEQA Guidelines §15088.5
7 such that recirculation for additional public review is
8 necessary. The Board further finds that no information has
9 been presented showing new significant effects or an increase
10 in the severity of effects due to a new mitigation measure,
11 and that no feasible alternative which would lessen or avoid
12 significant physical environmental effects has been proposed
13 and rejected by this Board.
- 14 9. The project will not have the potential to degrade the quality
15 of the environment, substantially reduce the habitat of fish
16 or wildlife population which would allow self-sustaining
17 levels to drop, threaten to eliminate a plant or animal
18 community, reduce the number or restrict the range of rare
19 endangered plants or animals or eliminate important examples
20 of the major periods of California history or prehistory. A
21 mitigation measure is included to ensure that regulatory
22 requirements for the disturbed riparian area are met.
- 23 10. Pursuant to Section 711.4 of the Fish and Game Code, the
24 County will pay a fee to comply with the requirements of AB
25 3158 prior to the filing of the Notice of Determination for
26 the project in spite of the determination of no significant
27 effect.
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Roger R. Stanton
Chairman of the Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

Darlene J. Bloom
DARLENE J. BLOOM
Clerk of the Board of Supervisors
Orange County, California

AYES: SUPERVISORS JAMES W. SILVA, ROGER R. STANTON, AND
WILLIAM G. STEINER

NOES: SUPERVISORS DONALD J. SALTARELLI AND MARIAN BERGESON

ABSENT: SUPERVISORS NONE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

I, DARLENE J. BLOOM, Clerk of the Board of Supervisors of Orange
County, California, hereby certify that the above and foregoing
Resolution was duly and regularly adopted by the said Board at a
regular meeting thereof held on the 5th day of November, 1996, and
passed by a three-fifths vote of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this
5th day of November, 1996.

Darlene J. Bloom
DARLENE J. BLOOM
Clerk of the Board of Supervisors of
Orange County, California

THE FOREGOING INSTRUMENT IS A TRUE
AND CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

ATTEST: *June 2 1997*
DARLENE J. BLOOM Clerk of the Board
of Supervisors, County of Orange

BY *Marie Lopez* DEPUTY

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CEQA STATEMENT OF FINDINGS AND FACTS
JAMES A. MUSICK JAIL EXPANSION AND OPERATION,
SHERIFF'S SOUTHEAST STATION, INTERIM CARE FACILITY
ENVIRONMENTAL IMPACT REPORT

ORANGE COUNTY BOARD OF SUPERVISORS
November 5, 1996

1. Introduction

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines ("Guidelines") provide that:

"No public agency shall approve or carry out a project for which an Environmental Impact Report has been completed and which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding." (CEQA Guidelines §15091)

Because the EIR identified significant effects which, without the adopted mitigation measures, may result as a consequence of the project, and in accordance with the provisions of the Guidelines, the Board of Supervisors ("Board") hereby adopts these findings as part of the approval of the Project.

The County of Orange has prepared a Draft EIR for the proposed Project in accordance with CEQA and CEQA Guidelines requirements. As mandated by County procedures, the EIR was subject to review for adequacy and recommendation to the Board as the certification by the County Planning Commission.

It is not considered reasonable, required or feasible for the Board to recite every single detail forming the basis for its findings herein, since the voluminous record, incorporated herein by reference and made publicly available, contains the substantial evidence explaining the facts in support. The Board considers this incorporation approach justified, especially in light of the fact that the County of Orange has responded in writing to oral and written comments raising environmental issues and has made this information widely available. Where appropriate and helpful to understanding the basis of the Board's recommended findings herein, the Board has mentioned certain aspects of the record arising from public input.

2. Description of the Project Analyzed in Proposed FEIR 564

The project described in the proposed Final EIR and for which this Board finds the EIR adequate, consists of three components:

- 1) The expansion and operation of a jail at the 100 ±-acre James A. Musick Jail Facility accommodating an absolute maximum of 7,584 inmates at all classification levels, with temporary accommodations of 384 more inmates in response to emergency conditions of 60 days or less, together with accessory parking structures, warehouse buildings and other facilities, all as set forth in detail in the proposed Final EIR 564. Access for all purposes but delivery to be from Alton Parkway;
- 2) The establishment of a Southeast Sheriff's Station on the site in advance of the occupancy of the first new jail building described within this project, consisting of approximately 20,000 square feet and approximately 218 personnel, with access taken from Bake Parkway;
- 3) A 24-bed Interim Care Facility, with access taken from Bake Parkway, to offer mental health treatment to severely disturbed adolescents on a 24-hour basis.

The phasing of construction is as set forth on pp 50-52 of the proposed Final EIR.

All operational aspects for the jail and the Southeast Sheriff's Station are administered by the Orange County Sheriff-Coroner, who makes separate findings. The Interim Care Facility, if established at the site, is under the ultimate authority of the Board, and therefore, these findings are made for that facility herein.

3. Alternatives

DEIR 564 addresses the proposed project and 28 alternatives to this project. The alternatives examined in the EIR include:

- (1) No project alternative.
- (2) Pursuit of legislative change to exempt from CEQA consideration the expansion of all jail facilities in overcrowded systems.
- (3) Management Systems approach to relieve jail overcrowding.
- (4) Delay decision on jail expansion until new long-term jail study is drafted, a site is approved and design work is initiated by the Board of Supervisors.
- (5) Private jail.
- (6) Reduce size of Musick Jail facility to accommodate only that number of inmates necessary to serve the area within 10 miles of the geographic center of South Orange County.

- (7) 1994-95 Grand Jury final report alternative - 3,000 jail beds in Santa Ana and 3,000 jail beds at Musick.
- (8) Limit expansion of Musick Jail to Complex 1 and supporting facilities.
- (9) Establishment of 7,500+ beds at the Musick Jail in high-rise buildings.
- (10) Limitation of classification of inmates; minimum and medium security inmates; a cap on maximum security inmates.
- (11) Release of maximum security inmates at the Intake and Release Center in Santa Ana.
- (12) Alternative sites within the County (four alternatives discussed).
- (13) Remote sites outside of Orange County.
- (14) Alternatives rejected as infeasible during the Draft EIR preparation process.

Twenty-eight project alternatives were presented in the EIR. The Board of Supervisors has reviewed and considered such alternatives in light of the adverse environmental effects which may result from the project and the reduction or elimination of such effects which might be accomplished by selection of one of the alternatives, as well as adverse effects brought about by the project alternatives which are not brought about by the project as proposed.

Each alternative is summarized below and the specific social, economic, technological, legal or other considerations that are considered to render such alternatives infeasible are set forth. The discussions below are intended to summarize and not fully restate the evidence contained in the Draft EIR, Response to Comments, and the administrative record as a whole.

PROJECT ALTERNATIVES:

No Project Alternative

The No Project Alternative assumes that the County Board of Supervisors would take no action with respect to expanding jail beds. This alternative is rejected as infeasible due to the serious capacity shortfalls projected for even the near-term (1996) and the fact that substantial early releases are taking place in the jail system. The presence of a court order

against overcrowding, combined with the limited room in the jail facilities and the fact that neither the Board of Supervisors nor the Sheriff can control the manner in which the inmates are incarcerated (including federal or state laws which increase pressures on the system as explained in the EIR) provide the basis for rejection of this alternative.

Pursuit of Legislative Change to Exempt from CEQA Consideration Expansion of all Jail Facilities in Overcrowded Systems

Pursuit of such a legislative change would greatly accelerate the process of bringing jails on-line. Expedited achievement of such goals has been amply demonstrated in the state prison system, where exemptions from CEQA have allowed facilities to be brought on-line much more quickly than they would have been without the lengthy compliance with the CEQA process and inevitable litigation. This process could be pursued again. It is unknown at this time what the prospects for success in the legislature of such a proposal might be. Recent amendments to CEQA which are perceived as tending to eliminate or greatly lessen CEQA have met with staunch opposition. Nonetheless, such statutory opportunities would greatly enhance the ability to bring jails on-line in Orange County, provided funds could be found. Even in an atmosphere of limited funding, savings of a substantial amount could be made by eliminating the CEQA process from the jail and applying those funds to the actual jail construction. Therefore, this alternative is not expressly rejected at this time, but is unnecessary to adopt, in that it is more likely a part of an overall strategy for the jail expansions as opposed to a realistic alternative to this project. At this time, this alternative can be rejected on the basis of legal impossibility.

Management Systems Approach to Relieving Jail Overcrowding

The 1992 Short-Term Jail Solutions Report provided several options for maximizing the utilization of jail beds in the Orange County jail system. These included home confinements, video arraignments and similar features that would not require that the inmate be kept in the jail system for a lengthy period of time. Federal court order (Stewart v. Gates) requires that an inmate be provided a bed within 24 hours of booking. If the inmate can be assigned to an appropriate non-jail solution during that period of time, the demand for that bed will not be present.

Financing problems have impeded the ability to fully attain these management goals. These management system approaches must be locally financed, as opposed to seeking funds from the state (such as the Board of Corrections). The proliferation of municipalities and in corporations in Orange County, combined with loss of state subventions, the County bankruptcy and growing imposition on the County of Orange of state or federal

priorities (welfare, healthcare, immigration) has greatly strained County funding sources. As a result, most of the management systems that have been proposed have not been fully implemented.

However, even if these systems were implemented, they would have only a small beneficial effect on the actual shortfall. The projected minimum shortfall is 3,946 beds in 1996. Only non-violent misdemeanants can utilize the "management approaches," except for video arrangements (which are at the option of the defendant and the courts). The maximum number of beds by 2006 which can be avoided assuming all of these systems are used is about 1,154 or 11% of the demand necessary. Also, this alternative does not provide any maximum security inmate beds, a key need. For these reasons, this alternative is rejected in view of the fact that the vast majority of its salutary features have already been implemented, or are barred by state law.

Delay Decision on Near-Term Jail Until Long-Term Jail Study is Drafted, a Site is Approved and Design Work is Initiated by the Board of Supervisors

This alternative would involve the complete cessation of all work on the expansion jail facility at any location until such time as a long-term jail was found. At the time a long-term jail site was found, environmentally documented and survived litigation, the need to enlarge the now existing jails to accommodate increases would be re-evaluated.

This alternative is infeasible as a substitute for the proposed project due to the dramatic pressure on the current jail system. Such studies have been undertaken before, but rejected due to significant acquisition costs. There is limited or no funding available for a large undertaking such as a long-term jail in the foreseeable future. However, the Board of Corrections frequently makes funding available for smaller jail proposals, such as individual cells buildings. The ability to use these funds largely depends on the readiness to start work - i.e., that all environmental documentation has been completed, is not in litigation or litigation is resolved, and the like. A delay would be a significant obstacle to the County's ability to be awarded such funds. Therefore, this alternative is considered to be infeasible due to the crisis-level demand the jail system is currently experiencing. For these reasons, this alternative is rejected. However, since, if approved, the proposed project would only satisfy needs through 2006 and these needs will continue to grow, a study such as this can be commenced for future jail expansion beyond 2006.

Private Jail

At this time, whether or not this alternative is feasible, it is currently not permitted by law. This alternative would require an in-depth study evaluating many issues, as well as changing the current laws regarding the operation of county jails, prior to pursuing a private jail in Orange County. Furthermore, a private jail would still have to comply with CEQA, and not knowing what specific location would be proposed, it is not possible to determine if controversy would make a private jail site more or less feasible than the proposed project, or further reduce environmental effects. For these reasons, the privatization alternative is rejected as infeasible.

Reduce Size of Musick Jail Facility to Accommodate Only that Number of Inmates Necessary to Serve the Area within Ten Miles of Geographic Center of Orange County

This alternative reduces the size of the jail to approximately 2,800 beds based on 1995 statistics. As Southern Orange County grows, the number of beds would be increased substantially, as Southern Orange County is expected to grow from about half a million persons to 1.1 million persons by the year 2015.

This alternative is rejected as infeasible due to the fact that it will not provide for as rapid an expansion of the jail system as is needed, and has minor difficulties in the fact that since the minimum security facility would remain, fill dirt necessary for the construction of Alton Parkway would not be available from this source. In addition, Musick Road would increase in traffic due to the absence of Alton Parkway as an access; however, this is a near-term phenomenon.

Although this alternative would reduce impacts in terms of traffic, traffic is not considered a significant impact in any event, and this alternative is rejected as both infeasible and incapable of reducing impacts or meeting the project objective of providing enough beds so inmates will not have to be sited and released, or released early prior to the expiration of their court-imposed sentences.

1994-95 Grand Jury Final Report Alternative - 3,000 Beds at Santa Ana and 3,000 Beds at Musick

DEIR 564 evaluates this alternative in full. Specifically, while 3,000 inmates would easily fit at the James A. Musick Facility, either with the addition of 3,000 beds to the existing 1,200+ beds, or with the 1,200 beds accommodated into the 3,000 beds (for an absolute increase of 1,800 beds), the problems at Santa Ana are more significant. The EIR documents that the alternative proposed by the Grand Jury would not accommodate 3,000 inmates on County-owned land, even using 10 or 11-story buildings.

The EIR notes that this alternative could have merit if it could be certain that both facilities would be approved by the Board of Supervisors. The Santa Ana facility cannot be expanded on County land beyond approximately 1,500 beds, and therefore, serious shortfalls would continue to occur. This alternative is rejected at this time as infeasible in terms of bringing on relief to the jail system in the short-term. However, if 3,000 beds of all classifications were established at Musick Jail, and 1,500 beds were established at the Santa Ana Jail, this would come close to the number of beds necessary by the year 2006. Since funding depends on a project's readiness to go, and since the County and the Sheriff have been subject to litigation for not bringing forward a feasible jail system at the proper size, this alternative is rejected at this time as incapable of bringing together the necessary capacity. However, if this alternative were to be combined with the long-term jail site study, and a site selected, shifts could occur in the future to carry out all or portions of this alternative.

Limit Expansion of Musick Jail to Complex 1 and Supporting Facilities

This alternative is rejected as not properly planning for the maximum utilization of the County's own resources in meeting the jail need problem. This is the "environmentally superior" alternative only in the sense that the physical environmental impacts are either not anticipated as a result of the project as proposed, or have been reduced to a level of insignificance by mitigation. Like the previous alternative, this alternative would allow for long-term studies. However, it also exposes the County to concerns and potential litigation for not having established sufficient siting of jail facilities to meet anticipated needs.

Establishment of 7,500 Plus Beds at the Musick Jail in High-Rise Buildings

This alternative is rejected as creating buildings which are radically different in aesthetic and visual character from the buildings that surround the project. If an airport is established at El Toro, buildings of this height would be unlikely to be compatible with future aviation uses. Impacts to agricultural lands would be reduced, but this particular building setting is so out of character with the area that it is considered infeasible.

Limitation of Classification of Inmates; Minimum and Medium Security; A Cap on Maximum Security Inmates

These on-site alternatives propose various limits on the classification of inmates and caps on maximum security inmates. This alternative does not add to the reduction of impacts to the physical environment, and does not bring on the necessary maximum security beds of the facility. As is

documented in the EIR, maximum security beds remain the most significant need in the jail facility, regardless of the number of maximum security inmates. Therefore, this alternative is rejected due to problems caused in other facilities, and the lack of contribution to reductions in physical environmental impacts, and the inability to bring on the necessary number of maximum security beds by the year 2006.

Release of Maximum Security Inmates at the Intake and Release Center of Santa Ana

This alternative would increase daily bus trips for transporting released maximum security inmates to the IRC by 4 to 5 bus trips per day, an inconsequential increase. However, this alternative does not address any physical environmental impact. The EIR provides ample documentation that there is no public safety issue in releasing maximum security inmates in the vicinity of a jail. This alternative was evaluated because it was requested by certain commentors at the Scoping Meeting and has no effect on reduction to physical environmental effects. For this reason, it has been rejected.

Alternative Sites Within County

- Purchase of Another Site/Sale of Musick Site

The EIR amply documents that the County does not have the funds nor the practical ability to purchase another site other than the Musick site, and sell the Musick site. The response to the comments raised by Supervisor Marian Bergeson is also incorporated herein by reference for the proposition that the Bond Certificates of Participation and the restricted nature of the Musick site make infeasible the sale or trade of the Musick site, even if this is ostensibly legally possible. Furthermore, the County has insufficient funds to acquire another site, and this was a condition even prior to the County bankruptcy, and a basis for the County's abandonment of the Gypsum Canyon Jail site in 1991.

- The Expansion at the Main Jail Complex in the City of Santa Ana

The Main Jail Complex in Santa Ana is quite challenged by parking and access considerations. Nonetheless, in terms of a jail facility, again, there is no environmental documentation nor are there design studies of this facility for this alternative. That is not to say that these studies could not be initiated rapidly and accommodated on this site. However, even if these were, the demand for jail beds will continue to outstrip the supply. The Grand Jury Alternative EIR Analysis shows that minimal increases could be made at Santa Ana

compared to what is needed. Acquisition of additional land would be necessary to accomplish a substantial increase, and this suffers from the same infeasibility as acquiring another site. This alternative will cause the same severe constraints in the system that the No Project Alternative would provide. Environmental problems, aside from traffic and parking, are not anticipated at the Santa Ana site.

Again, the jail's expansion needs dictate a shorter term planning and adoption process to enhance the opportunities for funding. Therefore, this alternative is rejected as infeasible at this time, but may be considered in the future.

- Location of Jail Facilities at MCAS El Toro

This alternative is not rejected at this time, as it is premature for further discussion based on the early nature of plans for the base. However, this alternative is not considered feasible for accomplishment of the major goals of this project, which is to respond to emergency pressure on the jail system. The property at MCAS El Toro will not even be available to the County, at the earliest, for 2-4 years, and the Musick site is available presently. This aspect, alone, results in the Musick alternative being more readily available for a solution. The County may, in the future, seek to expand its jail system at El Toro, and this will be a decision of the Board of Supervisors, possibly as early as its decision in connection with the Reuse Plan.

- Location of County Jail Facility at Tustin MCAS

This alternative has been rejected by the local redevelopment authority formally. The County has no ability to bring this alternative any closer to fruition, as the County does not have the authority over the disposition of land at Tustin. Therefore, this alternative is rejected as infeasible.

- Location of Jail Facilities at All Five County Courthouse Facilities

The County studied this alternative in order to determine if there was sufficient land available to bring any jail facilities to reality in combination with courthouse facilities. The only courthouse facility which currently has available land is the South County Courthouse in Laguna Niguel. Approximately 60% of this site is available, but this site is very small in comparison to the amount of land necessary. Furthermore, the site is at varying grades and moreover, the South County Courthouse facility is scheduled to be relocated, possibly to Rancho Santa Margarita or Aliso Viejo. Efforts to accomplish

this relocation were suspended due to the bankruptcy. This alternative, if it were feasible, would act to reduce trips in the transportation system. However, it does not appear feasible at this time, and is, therefore, rejected as described in the EIR.

Remote Sites Outside of Orange County

This issue has been studied considerably by the County. The major handicap to the County pursuing any such alternative is the fact that the County has no jurisdictional power outside of Orange County, and there are no funds to bring such facilities on-line outside of Orange County. The County has evaluated this alternative in better financial times, and found that transportation costs were over eight times the transportation costs necessary for a local jail, not to speak of the practical difficulties in administering County Sheriff's personnel from a remote location.

This is not to say that one day this type of alternative will not be feasible. However, significant state law changes would be necessary to bring such an alternative on-line and reduce its substantial costs.

Furthermore, there are no empty beds available outside of Orange County in existing jail facilities of other counties, even if one were not to consider the impediments of transportation and staffing. San Diego County and Riverside County are on record with the County in this regard, and Los Angeles County is openly considering leasing their empty downtown Twin Towers Jail to other entities (such as the federal government), largely due to the fact that the federal government is able to pay substantially more per inmate for leasing the facilities than a county. Even if this were not true, the practical difficulties of what to do with inmates incarcerated at facilities outside of Orange County, when the host county wishes to use those facilities themselves, cannot be easily overcome. These problems can certainly not be overcome in a situation where the jail system is already in crisis.

Alternatives Rejected as Infeasible During the Draft EIR Preparation Process

The DEIR explains that there were several alternatives considered during the Draft EIR preparation process and rejected as not meriting further analysis. CEQA does not require exercises in futility, or the consideration of alternatives which are remote or speculative. Furthermore, CEQA does not require the consideration of alternatives which produce more environmental impacts than the proposed project, particularly when physical environmental impacts are considered. This is more fully explained in the Foreword to the Responses to Comments, which is incorporated herein by reference.

The 11 alternatives rejected as infeasible during the EIR preparation consist of the original Gypsum Canyon Jail site, several private parcels, a proposal to locate a jail in regional parks of the County, alternatives which would require major changes in existing laws and alternatives which require each city to shoulder housing pretrial and sentenced inmates arrested in that city. The implementation of most of these alternatives is outside of the hands of the County, as explained in the proposed Final EIR 564, the Foreword to the Responses to Comments and responses to individual comments. For example, the Gypsum Canyon site is not rejected solely because of opposition by the City of Anaheim, but this opposition is considered significant when it is a fact that the jail site is located in the municipal boundary of the City of Anaheim, the County abandoned its interest in the site in 1991, the landowner has sought and received significant entitlements (including a development agreement) and the County has not objected to the City's approval of these entitlements nor the annexation of the property to the City of Anaheim. All of these factors make infeasible the reconsideration of the Gypsum Canyon site. In addition, the Gypsum Canyon site possesses significant environmental features not found at the Musick Jail site, and which are documented in its own EIR as noted in the EIR.

Conflicts with major regional parks as a site include state laws, significant abandonment issues, conflicts with federal and state grants and the fact that most regional park sites have far greater environmental attributes than the proposed site.

The alternatives which require changes in state or federal laws or impositions on cities to incarcerate their own inmates are seen as outside of the legal control of the County of Orange.

Other alternatives considered in this section are considered infeasible for the reasons stated in the EIR. Therefore, the Board of Supervisors concurs with the EIR's findings concerning infeasibility of these sites as remote and speculative.

4. Findings of Fact

The Board of Supervisors has reviewed the proposed Final EIR prepared to evaluate the proposed project and has considered the public record on the project as earlier described in these findings.

These findings summarize the data and conclusions contained in the Draft EIR, the various response to comments and the administrative record. The Draft EIR, the various responses to comments and the administrative record are incorporated into these findings as set forth in full.

Consistent with the requirements of the CEQA Guidelines, the EIR for the proposed project (hereinafter "EIR"), discusses environmental effects in proportion to their severity and probability of occurrence. To that end, the EIR recognizes that certain areas of impact from the project are unlikely to occur, or if potentially occurring can be mitigated to a level of insignificance by imposition of conditions to the project.

The EIR identified a number of potentially significant adverse effects to the physical environment as a result of the project. The EIR also identified mitigation measures which would reduce or eliminate potential adverse effects to a level of insignificance. Finally, this resolution and findings adopts certain mitigation measures which were suggested by commentors. These effects and the mitigation measures are summarized below.

All mitigation measures have been written as monitoring programs pursuant to Public Resources Code §21081.6. The drafting of these measures have been designed to ensure compliance during project implementation as explained further in the EIR. A mitigation monitoring program and checklist has been attached to this resolution.

These findings merely summarize data in the EIR administrative record for purposes of identifying the significant impacts and mitigation measures for the project. The Final EIR, with all referenced contents, is incorporated by reference into these findings as substantial evidence therefore as if set forth fully in the findings.

LANDFORM, SOILS AND GEOLOGY

Significant Effects

Qualified technical analysis, taken together with direct experience with the construction of other jail buildings in the County, reinforce the conclusion that there are no significant landform or geotechnical impacts at the subject site. The project will be subject to the final technical recommendations for construction techniques to be proposed by a qualified soils engineer and engineering geologist.

As to agricultural land, the loss is considered insignificant on its own merits and due to the previously approved 12 to 15-acre expansion to the north. The Land Use section also adds a measure protecting the on-site agricultural buffer in perpetuity.

Findings

Finding 1 - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

1. Prior to the issuance of construction bid documents for any permanent construction at the Musick Jail, the County shall cause to be prepared a final geotechnical report. This report shall be approved by the County's Planning and Development Services entity at that time as to content. Recommendations of the engineering geologist and soils engineer shall be incorporated into the project plans and specifications for the construction of the facility.

Mitigation Measures Added

See Land Use and Relevant Planning section for additional agricultural land mitigation.

Mitigation Measures Recited in DEIR 564 But Not Incorporated

None.

Effects Not Mitigated to a Level of Insignificance

None.

AIR QUALITY

Significant Effects

The following is a summary of significant effects to air quality prior to mitigation.

Potential air quality impacts associated with the jail expansion and operation fall into two areas: short-term impacts and long-term impacts.

Short-term air quality impacts will occur as a result of exhaust emissions from construction activities (including fugitive dust emissions and transport of workers, machinery and construction supplies).

Operational emissions (long-term) are those associated with the change in permanent use of the project area. The project will not exceed emission thresholds established by the SCAQMD when mitigation measures are considered. Additionally, there will be no CO "hot spots" generated by the project.

The project, in its unmitigated state, shows that the proposed project exceeds the SCAQMD emissions threshold for NOx. As explained in the Responses to Comments, this threshold exceedance is very small for this project (0.047% of County emissions) and is mitigated. The project's effects are so small that virtually any mitigation reduces them below the threshold.

Findings

Finding 1 - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

2. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors use low emission mobile construction equipment, where feasible.
3. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that the project specifications require the contractors to comply with SCAQMD Rule 2202.
4. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors water the graded sites and that equipment is cleaned morning and evening.
5. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors wash off trucks leaving the site.
6. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors spread soil binders on graded sites, unpaved roads and parking areas.
7. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that chemical soil stabilizers are applied by contractors according to manufacturer's specifications to all inactive construction areas (previously graded areas which remain inactive for 96 hours).
8. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that ground cover planting be established on the construction site by contractors through seeding and watering on portions of the site that will not be disturbed for lengthy periods (such as two months or more).
9. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require the contractor to sweep streets if silt is carried over to adjacent public thoroughfares. This measure prevent emissions rather than reduce emissions.
10. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project

specifications require contractors to limit traffic speeds on all unpaved road surfaces to 15 miles per hour or less.

11. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to suspend grading operations during first and second stage smog alerts.
12. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to suspend all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.
13. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors maintain construction equipment engines by keeping them tuned.
14. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors use low sulfur fuel for stationary construction equipment.
15. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors provide on-site power sources during the early stages of the project to minimize or eliminate the use of portable generators.
16. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
17. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to use low emission on-site stationary equipment (e.g., clean fuels).
18. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to configure construction parking to minimize traffic interference.
19. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to minimize obstruction of through-traffic lanes.
20. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to provide a flagperson to

properly guide traffic and ensure safety at construction sites.

21. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to schedule operations affecting traffic for off-peak hours, where feasible.
22. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service).
23. At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications require bicycle lanes are provided on adjacent arterial highways; and that bicycle storage areas, bicycle amenities, and efficient parking management techniques are incorporated in the plans.
24. At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications provide dedicated turn lanes as appropriate.
25. At the time of occupancy of the first inmate housing complex, the Sheriff's Department shall establish a Transportation Management Association (TMA) or participate in the Spectrum TMA, to create incentives for employees to rideshare.
26. At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications require contractors to install energy efficient street lighting.
27. At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications require contractors to introduce window glazing, wall insulation, and efficient ventilation.
28. At the time any off-street parking lot or garage is opened for use, the Sheriff's Department shall ensure that preferential parking spaces are provided to high occupancy vehicles.
29. At the time that final construction plans for the Alton Parkway signalized entrance are prepared, the Director of Public Works shall ensure that project specifications require that bus-turn aprons are located on each side of Alton Parkway and bus-shelters are provided. The County of Orange will cooperate with OCTA in designing bus shelters for the jail which match as much as possible the bus shelters in Irvine Spectrum. These efforts shall take place prior to the

occupation of the first jail building, and will be supervised by Environmental Management Agency or its successor agency.

Mitigation Measures Added

None. However, #29 is revised.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

HYDROLOGY

Significant Impacts

The proposed project will not result in any long-term significant impacts to hydrology, and short-term impacts are resolved by a mitigation measure. The Alton Parkway project will resolve the 100-year flood plan issue, and the flood control improvements thereby necessary are associated with that project, and not the jail.

Mitigation Measures

30. Prior to commencement of grading, applicant shall submit for approval of the Manager, Development Services, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on-site to control predictable pollutant runoff.

This WQMP shall identify the structural and non-structural measures specified in the Countywide NPDES Drainage Area Management Plan Appendix which details implementation of BMPs whenever they are applicable to a project, the assignment of long-term maintenance responsibilities, and shall reference the location(s) of structural BMPs. The SWPPP shall be prepared for construction activities and shall be consistent with Regional Water Quality Control Board NPDES Permit No. CAS618030.

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

AESTHETICS

Significant Effects

DEIR 564 documents the extremely limited visual impacts from the site as it currently exists, and as it will appear in the future. The only new viewsheds opened are those available from Alton Parkway as it is opened to serve the jail. The views from residences are interrupted by a distance of over 1,200 feet, different grades, and future buildings. The site is located adjacent to two industrial parks, and design themes and massings will be similar to those for the immediate surrounding area.

Nonetheless, mitigation measures were included in DEIR 564 - and added to in Responses to Comments - which reinforce the County's interest in aesthetic compatibility.

Findings

Finding 1 - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

31. Prior to the approval of construction bid documents for any permanent building at the Musick Jail, a landscape plan shall be prepared by a licensed landscape architect. While landscaping is to be installed in recognition of sound security practice, visual buffering shall be installed where not inconsistent with security practice.
32. All new buildings at the Musick Jail visible to the public off-site shall be constructed with the office-appearing facade. Individual buildings should be one single color with an overall neutral monochromatic color scheme for the site. Roof designs should be non-distinctive forms in neutral colors. Exterior mechanical equipment should be screened from off-site views, and equipment screening should be fully integrated into the architectural design of the building.
33. Prior to or concurrent with the construction of the first complex, a 12-foot block wall will be constructed along Alton Parkway inside the perimeter landscaping to conceal the "First Defense" fence. The design shall be reviewed by the Director, Planning and Development Services, and shall not interfere with the security of the facility.
- 33a. Perimeter signs for the jail shall be fully limited to simple identification and regulatory and directional signage, all in accordance with a comprehensive sign program to be developed and approved by Environmental Management Agency or its

successor agency prior to the occupation of the first jail building.

Mitigation Measures Added

#33a is added, and #32 is revised.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

NOISE

Significant Impacts

The project will result in short-term noise impacts associated with construction activities. The project will not result in any significant long-term noise impacts. In fact, the elimination of loudspeakers currently at the site will reduce noise. Traffic contribution is too small to alter noise levels significantly.

Findings

Finding 1 - Changes or alterations had been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

34. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to comply with the County of Orange Noise Ordinances and standard conditions of approval. This will result in restricting the hours and days of construction per the local ordinance. The perimeter walls shall be fully integrated into the architectural design of the buildings and of the same or similar materials and color.

35. If any on-site public address systems, bells, or other audible signal systems are used in new buildings, they should be designed to be inaudible in the adjacent residential areas or prohibited. If any such devices are included in the project, the Director of Public Works shall ensure that project specifications require installation to comply with the requirements of Orange County Noise Ordinance, except for emergency warning devices.

36. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that final

plans require that ingress and egress should be taken only on arterial highways or industrial collector streets and should not utilize any residential streets. This includes service vehicles as well as all other jail traffic.

37. At the time that project construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors install mechanical equipment, including the Central Plant, to conform to the requirements of the Orange County Noise Ordinance.

38. At the time of final construction plan development, the Director of Public Works shall ensure that plan specifications require that interior noise levels including noise sensitive interior areas (per the County of Orange General Plan Noise Element) shall comply with County standards.

39. Prior to establishing the Interim Care Facility at this site, the County of Orange Health Care Agency shall determine whether the noise environment is acceptable with the therapeutic mission undertaken at this facility.

Mitigation Measures Added

None. However, #34 is revised.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

BIOLOGICAL RESOURCES

The project is located on a site which has been developed and formed for many years, and no longer possesses biological resources of significance. A highly disturbed riparian area exists on-site and is invaded with exotics. It, together with Borrego work improvements, eliminates the riparian within the site and in the right-of-way for Alton Parkway, as documented in the FCPP EIR.

Findings

Finding 1 - Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

40. Prior to the construction of any portion of Alton Parkway affecting wetlands in Borrego Wash, the County of Orange shall enter into a Streambed Alteration Agreement with the California Department of Fish & Game and obtain any necessary federal authorization. This agreement will call for the compensation of wetland losses through off-site habitat creation or participation in a wetlands credit bank. If determined necessary by the Department of Fish and Game, the small vegetated area at southwest corner of the site will also be mitigated.

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Significance

None.

LIGHT AND GLARE

The project will not create any unusual lighting conditions, and lighting for the new buildings will be as currently installed compatible with street lighting. Lighting rays will be confined to the direct premises to reduce any potential for light and glare impacts. No shadow effects will result.

Findings

Finding 1 - Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

41. Prior to the issuance of construction bid documents for exterior electrical fixtures, the County Planning and Development Services Department shall ensure that lighting rays are confined to the areas surrounding buildings. To the extent possible, on-site perimeter lighting and parking lot parking structure lighting should be consistent in height, spacing, color and type of fixture.

Mitigation Measures Added

None. However, #41 is revised.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

LAND USE AND RELEVANT PLANNING

Significant Impacts

As documented in the EIR and in the separate resolution pertaining to zoning consistency, there are no impacts to land use or relevant planning. Neither the General Plan of the City of Irvine or the City of Lake Forest discuss the jail site, although the County General Plan recognizes it. Compliance with the Part 77 regulation guidance is foreseeable, and the proposed Final EIR demonstrates that there will be no individual or cumulative effects on the NCCP or agricultural soils.

Findings

Finding 1 - Changes or alterations had been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

42. In connection with the adoption of zoning regulations for the Reuse Plan area, the County of Orange shall prohibit bail bondsmen and sexually oriented businesses from the "Open Space/Institutional" and "Education/Institutional" areas adjacent to the jail as shown on Figure 5-2 of the Reuse Plan EIR.

42a. To the extent permitted by California and constitutional law, medium and maximum security inmates shall make their court appearances from the facility using video appearances.

43. If the City of Irvine or the City of Lake Forest finds that there is a potential for undesirable uses to establish in their cities as a result of the jail expansion, these cities can and should zone their territory to prohibit such uses.

Note: Pursuant to CEQA Guidelines §15091(a)(2), this measure is within the responsibility and jurisdiction of another public agency, and not the County of Orange.

43a. Prior to the commencement of construction of any buildings shown for the site, the County of Orange shall record a restriction or other restrictive covenant against the 22+ acre buffer area which prevents construction of any non-agriculturally related buildings, and preserves this area as a buffer.

44. Prior to the commencement of grading for the project, the County of Orange shall give notice of proposed construction to the Federal Aviation Administration (FAA) pursuant to FAR Part 77. At that time, notice shall be given to any other agency which may have jurisdiction or review authority at that future time.

44a. The County of Orange shall insure that "walk-aways" from the Interim Care Facility, if established at this site, are promptly returned.

44b. Prior to the occupation of the first new jail building at the Musick Jail, the County shall open to operation the Sheriff's Southeast Station at the site.

44c. Prior to the occupancy of the first jail building, the "First Defense" fence or equivalent shall be constructed to the extent necessary for that phase of project implementation.

Mitigation Measures Added

#s 42a, 43a, 44a, 44b and 44c are added.

Mitigation Measures from DEIR 564 Not Included

None. However, as to #43, this measure is the responsibility and within the jurisdiction of other public agencies.

Effects Not Mitigated to a Level of Insignificance

None.

PUBLIC SAFETY

Significant Impacts

Based on the evidence presented in Final EIR 564, the project will not result in any significant impacts to public safety. None of the crime events in the vicinity of the County jails has been documented as related to recently released inmates or visitors. As discussed in the Social and Economic Effects discussion in the Foreword to the Responses to Comments, CEQA does not require further analysis unless the evidence shows a chain of causes leading to a physical effect on the environment, which is not found here.

Findings

Finding 1 - Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

None.

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

TRANSPORTATION, CIRCULATION AND PARKING

Significant Impacts

The project will result in an increase of vehicular trips associated with the jail operations (e.g., staff, deliveries, inmate bus transportation and visitors). The total increase due to the expansion will be 4,253 trips. The project will not result in a significant impact on the transportation system under build-out conditions. The project includes development of staff and visitor parking areas which can accommodate the required parking demand. Although the proposed project will not result in significant impacts to transportation and circulation, mitigation measures are presented to ensure that impacts associated with the increased parking demand will be mitigated to less than significant levels.

Findings

Finding 1 - Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

45. Prior to or concurrent with the occupancy of the first phase of the project, the Director of Public Works shall cause to be constructed or installed:

a. Two south-bound left-turn lanes and one west-bound right-turn lane at the intersection of Alton Parkway and Irvine Blvd.

- b. A traffic signal at the Alton Parkway project entrance to Complexes 1 and 2.
46. Prior to or concurrent with the occupancy of the last phase of the project, the Director of Public Works shall negotiate agreements with the Cities of Irvine and Lake Forest, as applicable, to ensure that the County provides the project's pro rata share of the costs of the following improvements:
- a. Alton Parkway/Irvine Blvd: Convert the 3rd northbound through lane to a shared through lane/right-turn lane.
- b. Musick Dr./Irvine Blvd: Add a northbound right-turn lane.
- c. Bake Pkwy./Irvine Blvd: Add a northbound right-turn lane, and convert the 3rd northbound through lane to a shared through/right-turn lane.
- d. Bake Pkwy./Jeronimo: Provide an eastbound right-turn overlap signal phase.
47. Prior to commencement of any highway improvements required by mitigation measures herein which are located within or adjacent to City boundaries, the Director of Public Works shall work with appropriate City agencies to ensure the operational feasibility or recommended mitigation measures.
48. Upon adoption of a Road Fee Program by the Board of Supervisors which includes the project site, the County shall pay the pro rata fee attributable to each project phase, or provide credits, prior to commencement of construction of the phase as required for the Musick Jail project under the Road Fee Program.
49. Prior to or concurrent with the opening of the Alton Parkway entrance to employee and visitor access, the Director of Public Works shall ensure that project specifications require that contractors install bus aprons on the northerly and southerly sides of Alton Parkway in a manner meeting the requirements of the OCTA, and a sidewalk is constructed along the southerly side of Alton Parkway from Irvine Blvd. to the project entrance on Alton Parkway, and along the project entry drive to the visitor entrance.
50. Prior to or concurrent with occupancy of each project phase, the Sheriff's Department shall ensure that sufficient parking spaces to meet the peak hour demand forecasted for that phase. The following summarizes the peak hour parking spaces required for each complex as analyzed herein:

- Complex 1 and ancillary buildings: 580 off-street parking spaces
- Sheriff's Station and ICF: 235 parking spaces
- Complex 2: 375 parking spaces
- Complex 3: 530 parking spaces

50a. No parking will be allowed on Alton Parkway. So long as the segment of Alton Parkway in the vicinity of the jail is under County jurisdiction, the Orange County Sheriff will enforce this measure.

Mitigation Measures Added

Mitigation Measure #50a is added.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

PUBLIC SERVICES AND FACILITIES

Significant Impacts

DEIR 564 documents that there are no unmitigatable adverse environmental impacts as a result of this project. However, as with many public and private projects, coordination with service-providing agencies during the design and implementation of the project is necessary to ensure that jurisdictional requirements are met. Mitigation measures are included to ensure that this occurs, especially with respect to IRWD and OCFA. In particular, the DEIR notes that only up to 2,850 additional inmates can be accommodated from a sewer service standpoint until IRWD installs further facilities. This is not an impact per se, because sewer hookups cannot occur without IRWD consent.

Findings

Finding 1 - Changes or alterations had been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

51. Prior to commencement of any construction activities, the County of Orange shall coordinate with the Southern California Edison, Southern California Gas, Pacific Bell, Irvine Ranch Water District, and Orange County Fire Authority regarding any construction activities to ensure existing facilities are protected and any necessary expansion or relocation is planned

and scheduled in consultation with the appropriate public agencies.

51a. Prior to the commencement of construction of any jail building, the "Agreement for Acquisition of Potable Water Service from Irvine Ranch Water District for James A. Musick Facility" must be amended or replaced. This agreement allows for capacity in IRWD facilities to enable delivery of 0.27 cubic feet per second (cfs) of domestic water. The expansion and increased demand will require the agreement either be amended or replaced by a new agreement to reflect the expansion of the site, including project phasing and the payment of appropriate "fair share" capacity charges. As the project becomes clarified in terms of expansion plans, contact IRWD so that the appropriate service agreement can be drafted. Plans will be submitted to the development services section of IRWD for review and approval as soon as they become available.

51b. At the time of the review of the "Agreement for Acquisition of Potable Water Service" each water use will be evaluated and IRWD will determine whether it will furnish potable or nonpotable water for the designated purpose.

51c. Prior to the commencement of jail construction exceeding 2,850 inmates or that equivalent, an amendment of the "Agreement for Acquisition of Interim and Permanent Sewer Service" for the Musick facility shall be negotiated with IRWD, and shall outline the costs for the use of existing sewers, potential future sewer improvements, and treatment and disposal capacity.

Mitigation Measures Added

Mitigation measure #51 is revised, and #s 51a, 51b and 51c have been added.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

SOCIOECONOMICS

Significant Impacts

A complete economic impact analysis was conducted which evaluated potential impacts of the jail on residential and non-residential values in the study area. The study concluded that the perception that any change to the existing jail somehow represents a significant economic threat to the immediate surrounding area is simply without basis. As significant impacts would not occur,

mitigation measures are not recommended. No significant adverse impacts in the area of socioeconomics are anticipated, nor are physical effects on the environment expected.

The perception of socioeconomic effects, unsupported by substantial evidence, does not change the EIR's conclusions. The EIR conclusions are based on substantial evidence, whereas the mere expression of commentators' fears concerning impacts in this area lacks such evidence. The Social and Economic Effects discussion in the Foreword to the Responses to Comments explains the Board's position on CEQA in this regard.

Findings

No significant effects.

Mitigation Measures

None.

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

PROJECT CONSTRUCTION EFFECTS

Significant Impacts

The construction of the proposed expansion will result in short-term impacts such as construction noise, dust, construction-related traffic and visual differences due to the partially constructed nature of buildings during development. Impacts associated with the construction of the jail expansion are short-term and not considered significant.

Findings

No significant effects.

Mitigation Measures

None.

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

HAZARDOUS MATERIALS ASSESSMENT

Significant Effects

No significant effects were found. There was a suggestion of possible areas of concern related to demolition of buildings and remediation of fuel storage tanks, but these remediations are highly regulated activities wherein the precautions against public risk are incorporated into the remediation.

Several commentors expressed concern regarding groundwater contamination. This is also not an adverse effect for several reasons. First, groundwater is far below the surface and not mined for the jail. Secondly, to the extent it is polluted from off-site sources, it affects only that portion of the Alton Parkway extension - not associated with this project. Finally, remediation by the Department of the Navy for the off-site condition is being commenced next year.

The above reasons, together with the mitigation measure, justify the finding of no significant impact.

Mitigation Measures

52. Prior to the construction of any buildings on the Musick site, a further environmental site assessment shall be conducted to confirm the absence of agricultural chemicals in significant amounts, the absence of asbestos in buildings, and the absence of any environmental risks from the transformers.

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects not Mitigated to a Level of Insignificance

None.

Construction and Operations Mitigation Monitoring Program and Reporting Checklist **James A. Musick Jail**

00004

| Mit/Contd. No. | Mitigation Measure/Condition of Approval | Monitoring and Reporting Process | Monitoring Methods | Party Responsible for Monitoring | Verification of Compliance | | |
|----------------|--|----------------------------------|---|---|----------------------------|------|---------|
| | | | | | Initials | Date | Remarks |
| 1. | Prior to the issuance of construction bid documents for any permanent construction at the Musick Jail, the County shall cause to be prepared a final geotechnical report. This report shall be approved by the County's Planning and Development Services entity at that time as to content. Recommendations of the engineering geologist and soils engineer shall be incorporated into the project plans and specifications for the construction of the facility. | Design/plan check | Prior to issuance of construction bid documents | Director of Planning and Development Services | | | |
| 2. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors use low emission mobile construction equipment, where feasible. | Site inspection | At time of grading and construction bids | Director of Planning and Development Services | | | |
| 3. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that the project specifications require the contractors to comply with SCAQMD Rule 2202. | Site inspection | At time of grading and construction bids | Director of Public Works | | | |
| 4. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors water the graded sites and that equipment is cleaned morning and evening. | Site inspection | At time of grading and construction bids | Director of Public Works | | | |
| 5. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors wash off trucks leaving the site. | Site inspection | At time of grading and construction bids | Director of Public Works | | | |
| 6. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors spread soil binders on graded sites, unpaved roads and parking areas. | Site inspection | At time of grading and construction bids | Director of Public Works | | | |
| 7. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that chemical soil stabilizers are applied by contractors according to manufacturer's specifications to all inactive construction areas (previously graded areas which remain inactive for 96 hours). | Site inspection | At time of grading and construction bids | Director of Public Works | | | |
| 8. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that ground cover planting be established on the construction site by contractors through seeding and watering on portions of the site that will not be disturbed for lengthy periods (such as two months or more). | Site inspection | At time of grading and construction bids | Director of Public Works | | | |
| 9. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require the contractor to sweep streets if silt is carried over to adjacent public thoroughfares. This measure prevent emissions rather than reduce emissions. | Site inspection | At time of grading and construction bids | Director of Public Works | | | |

| M/W Cont. No. | Mitigation Measure/Condition of Approval | Monitoring and Reporting Process | Monitoring Milestone | Party Responsible for Monitoring | Verification of Compliance | | |
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| | | | | | Initials | Date | Remarks |
| 10. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to limit traffic speeds on all unpaved road surfaces to 15 miles per hour or less. | Site inspection | At time of grading and construction bids | Director of Public Works | | | |
| 11. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to suspend grading operations during first and second stage smog alerts. | Site inspection | At time of grading and construction bids | Director of Public Works | | | |
| 12. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to suspend all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour. | Site inspection | At time of grading and construction bids | Director of Public Works | | | |
| 13. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors maintain construction equipment engines by keeping them tuned. | Site inspection | At time of grading and construction bids | Director of Public Works | | | |
| 14. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors use low sulfur fuel for stationary construction equipment. | Site inspection | At time of construction bid documents | Director of Public Works | | | |
| 15. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors provide on-site power sources during the early stages of the project to minimize or eliminate the use of portable generators. | Site inspection | At time of construction bid documents | Director of Public Works | | | |
| 16. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators. | Site inspection | At time of construction bid documents | Director of Public Works | | | |
| 17. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to use low emission on-site stationary equipment (e.g., clean fuels). | Site inspection | At time of construction bid documents | Director of Public Works | | | |
| 18. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to configure construction parking to minimize traffic interference. | Site inspection | At time of construction bid documents | Director of Public Works | | | |
| 19. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to minimize obstruction of through-traffic lanes. | Site inspection | At time of construction bid documents | Director of Public Works | | | |
| 20. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to provide a flagperson to properly guide traffic and ensure safety at construction sites. | Site inspection | At time of construction bid documents | Director of Public Works | | | |
| 21. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to schedule operations affecting traffic for off-peak hours, where feasible. | Site inspection | At time of construction bid documents | Director of Public Works | | | |

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| Mitigation Measure/Condition of Approval | Monitoring and Reporting Process | Monitoring Milestone | Party Responsible for Monitoring | Verification of Compliance | | |
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| 22. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service). | Site inspection | At time of construction bid documents | Director of Public Works | | | |
| 23. At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications require bicycle lanes are provided on adjacent arterial highway; and that bicycle storage areas, bicycle amenities, and efficient parking management techniques are incorporated in the plans. | Construction plans | Final construction plans | Director of Public Works | | | |
| 24. At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications provide dedicated turn lanes as appropriate. | Construction plans | Final construction plans | Director of Public Works | | | |
| 25. At the time of occupancy of the first inmate housing complex, the Sheriff's Department shall establish a Transportation Management Association (TMA) or participate in the Spectrum TMA, to create incentives for employees to rideshare. | Sheriff | Occupancy of first inmate complex | Sheriff | | | |
| 26. At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications require contractors to install energy efficient street lighting. | Final construction plans | Final construction plans | Director of Public Works | | | |
| 27. At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications require contractors to introduce window glazing, wall insulation, and efficient ventilation. | Final construction plans | Final construction plans | Director of Public Works | | | |
| 28. At the time any off-street parking lot or garage is opened for use, the Sheriff's Department shall ensure that preferential parking spaces are provided to high occupancy vehicles. | Sheriff | At time any off-street parking garage is opened | Sheriff | | | |
| 29. At the time that final construction plans for the Alton Parkway signalized entrance are prepared, the Director of Public Works shall ensure that project specifications require that bus-turn aprons are located on each side of Alton Parkway and bus shelters are provided. The County of Orange will cooperate with OCTA in designing bus shelters for the jail which match as much as possible the bus shelters in Irvine Spectrum. These efforts shall take place prior to the occupation of the first jail building, and will be supervised by Environmental Management Agency or its successor agency. | Director of Public Works | When final plans for signal at Alton/entrance are prepared | Director of Public Works | | | |

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| M/M/ Cand. No. | Mitigation Measure/Condition of Approval | Monitoring and Reporting Process | Monitoring Milestone | Party Responsible for Monitoring | Verification of Compliance | | |
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| 30. | Prior to commencement of grading, applicant shall submit for approval of the Manager, Development Services, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on-site to control predictable pollutant runoff. This WQMP shall identify the structural and non-structural measures specified in the Countywide NPDES Drainage Area Management Plan Appendix which details implementation of BMPs whenever they are applicable to a project, the assignment of long-term maintenance responsibilities, and shall reference the location(s) of structural BMPs. The SWPPP shall be prepared for construction activities and shall be consistent with Regional Water Quality Control Board NPDES Permit No. CAS618030. | Grading plan | Prior to grading | Director of Planning and Development Services | | | 342200 |
| 31. | Prior to the approval of construction bid documents for any permanent building at the Musick Jail, a landscape plan shall be prepared by a licensed landscape architect. While landscaping is to be installed in recognition of sound security practice, visual buffering shall be installed where not inconsistent with security practice. | Landscape plan | Construction bid documents | Director of Planning and Development Services | | | |
| 32. | All new buildings at the Musick Jail visible to the public off-site shall be constructed with the office-appearing facade. Individual buildings should be one single color with an overall neutral monochromatic color scheme for the site. Roof designs should be non-distinctive forms in neutral colors. Exterior mechanical equipment should be screened from offsite views, and equipment screening should be fully integrated into the architectural design of the building. | Construction documents | Prior to construction bid documents | Director of Planning and Development Services | | | |
| 33. | Prior to or concurrent with the construction of the first complex, a 12-foot block wall will be constructed along Alton Parkway inside the perimeter landscaping to conceal the "First Defense" fence. The design shall be reviewed by the Director, Planning and Development Services, and shall not interfere with the security of the facility. | Wall plan | Prior to construction of first complex | Director of Planning and Development Services | | | |
| 33a. | Perimeter signs for the jail shall be fully limited to simple identification and regulatory and directional signage, all in accordance with a comprehensive sign program to be developed and approved by Environmental Management Agency or its successor agency prior to the occupation of the first jail building. | Sign program | Prior to occupancy of Phase 1 | Director of Planning and Development Services | | | |
| 34. | At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to comply with the County of Orange Noise Ordinances and standard conditions of approval. This will result in restricting the hours and days of construction per the local ordinance. The perimeter walls shall be fully integrated into the architectural design of the buildings and of the same or similar materials and color. | Site inspection | Grading and construction bid documents | Director of Public Works | | | |

| Mitigation Measure/Condition of Approval | Monitoring and Reporting Process | Monitoring Milestone | Party Responsible for Monitoring | Verification of Compliance | | |
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| 35. If any on-site public address systems, bells, or other audible signal systems are used in new buildings, they should be designed to be inaudible in the adjacent residential areas or prohibited. If any such devices are included in the project, the Director of Public Works shall ensure that project specifications require installation to comply with the requirements of Orange County Noise Ordinance, except for emergency warning devices. | Construction documents | Prior to construction bid documents | Director of Public Works | | | |
| 36. At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that final plans require that ingress and egress should be taken only on arterial highways or industrial collector streets and should not utilize any residential streets. This includes service vehicles as well as all other jail traffic. | Construction documents | Prior to construction bid documents | Director of Public Works | | | |
| 37. At the time that project construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors install mechanical equipment, including the Central Plant, to conform to the requirements of the Orange County Noise Ordinance. | Construction documents | Prior to issuance of construction bid documents | Director of Public Works | | | |
| 38. At the time of final construction plan development, the Director of Public Works shall ensure that plan specifications require that interior noise levels including noise sensitive interior areas (per the County of Orange General Plan Noise Element) shall comply with County standards. | Final construction plans | Prior to final construction plans | Director of Public Works | | | |
| 39. Prior to establishing the Interim Care Facility at this site, the County of Orange Health Care Agency shall determine whether the noise environment is acceptable with the therapeutic mission undertaken at this facility. | Design plan | Prior to design plan | Director of Planning and Development Services | | | |
| 40. Prior to the construction of any portion of Alton Parkway affecting wetlands in Borteggo Wash, the County of Orange shall enter into a Streambed Alteration Agreement with the California Department of Fish & Game and obtain any necessary federal authorization. This agreement will call for the compensation of wetland losses through off-site habitat creation or participation in a wetlands credit bank. If determined necessary by the Department of Fish and Game, the small vegetated area at southwest corner of the site will also be mitigated. | 1603 Agreement | Prior to construction of Alton Parkway | Director of Planning and Development Services | | | |
| 41. Prior to the issuance of construction bid documents for exterior electrical fixtures, the County Planning and Development Services Department shall ensure that lighting rays are confined to the areas surrounding buildings. To the extent possible, on-site perimeter lighting and parking lot parking structure lighting should be consistent in height, spacing, color and type of fixture. | Design/plan check | Prior to construction bid documents | Director of Planning and Development Services | | | |
| 42. In connection with the adoption of zoning regulations for the Reuse Plan area, the County of Orange shall prohibit bail bondsmen and sexually oriented businesses from the "Open Space/Institutional" and "Education/Institutional" areas adjacent to the jail as shown on Figure 5-2 of the Reuse Plan EIR. | Zone change | Prior to adoption of zoning for reuse area | Director of Planning and Development Services | | | |
| 42a. To the extent permitted by California and constitutional law, medium and maximum security inmates shall make their court appearances from the facility using video appearances. | Court proceedings | Ongoing | Sheriff | | | |

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| 43. | If the City of Irvine or the City of Lake Forest finds that there is a potential for undesirable uses to establish in their cities as a result of the jail expansion, these cities can and should zone their territory to prohibit such uses. Note: Pursuant to CEQA Guidelines §15091(a)(2), this measure is within the responsibility and jurisdiction of another public agency, and not the County of Orange. | not applicable | not applicable | not applicable | | | 000045 |
| 43a. | Prior to the commencement of construction of any buildings shown for the site, the County of Orange shall record a restriction or other restrictive covenant against the 22+ acre buffer area which prevents construction of any non-agriculturally related buildings, and preserves this area as a buffer. | Restriction | Prior to onset of construction | Director of Planning and Development Services | | | |
| 44. | Prior to the commencement of grading for the project, the County of Orange shall give notice of proposed construction to the Federal Aviation Administration (FAA) pursuant to FAR Part 77. At that time, notice shall be given to any other agency which may have jurisdiction or review authority at that future time. | Part 77 | Prior to grading | Director of Planning and Development Services | | | |
| 44a. | The County of Orange shall insure that "walk-aways" from the Interim Care Facility, if established at this site, are promptly returned. | Walk-aways | Ongoing | Health Care Agency | | | |
| 44b. | Prior to the occupation of the first new jail building at the Musick Jail, the County shall open to operation the Sheriff's Southeast Station at the site. | Sheriff's Station | Prior to opening of new jail building | Director of Planning and Development Services | | | |
| 44c. | Prior to the occupancy of the first jail building, the "First Defense" fence or equivalent shall be constructed to the extent necessary for that phase of project implementation. | Fence plan | Prior to opening of new jail building | Director of Planning and Development Services | | | |
| 45. | Prior to or concurrent with the occupancy of the first phase of the project, the Director of Public Works shall cause to be constructed or installed: a. Two south-bound left-turn lanes and one west-bound right-turn lane at the intersection of Alton Parkway and Irvine Blvd. b. A traffic signal at the Alton Parkway project entrance to Complexes 1 and 2. | Lane plan | Prior to opening of new jail building | Director of Planning and Development Services | | | |

| Mitigation Measure/Condition of Approval | Monitoring and Reporting Process | Monitoring Milestones | Party Responsible for Monitoring | Verification of Compliance | | |
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| 46. Prior to or concurrent with the occupancy of the last phase of the project, the Director of Public Works shall negotiate agreements with the Cities of Irvine and Lake Forest, as applicable, to ensure that the County provides the project's pro rata share of the costs of the following improvements: | Lane plan | Prior to or concurrent with last phase of project | Director of Planning and Development Services | | | 400000 |
| a. Alton Parkway/Irvine Blvd: Convert the third northbound through lane to a shared through lane/right-turn lane. b. Musick Dr./Irvine Blvd: Add a northbound right-turn lane. c. Bake Pkwy./Irvine Blvd: Add a northbound right-turn lane, and convert the third northbound through lane to a shared through/right-turn lane. d. Bake Pkwy./Irvine Blvd: Provide an eastbound right-turn overlap signal phase. | | | | | | |
| 47. Prior to commencement of any highway improvements required by mitigation measures herein which are located within or adjacent to City boundaries, the Director of Public Works shall work with appropriate City agencies to ensure the operational feasibility or recommended mitigation measures. | City coordination | Prior to improvements | Director of Planning and Development Services | | | |
| 48. Upon adoption of a Road Fee Program by the Board of Supervisors which includes the project site, the County shall pay the pro rata fee attributable to each project phase, or provide credits, prior to commencement of construction of the phase as required for the Musick Jail project under the Road Fee Program. | Road fee program | Prior to opening of new jail building | Director of Planning and Development Services | | | |
| 49. Prior to or concurrent with the opening of the Alton Parkway entrance to employee and visitor access, the Director of Public Works shall ensure that project specifications require that contractors install bus aprons on the northerly and southerly sides of Alton Parkway in a manner meeting the requirements of the OCTA, and a sidewalk is constructed along the southerly side of Alton Parkway from Irvine Blvd. to the project entrance on Alton Parkway, and along the project entry drive to the visitor entrance. | Bus apron/sidewalk plan | Prior to Alton access opening | Director of Public Works | | | |
| 50. Prior to or concurrent with occupancy of each project phase, the Sheriff's Department shall ensure that sufficient parking spaces to meet the peak hour demand forecasted for that phase. The following summarizes the peak hour parking spaces required for each complex as analyzed herein: | Parking plan | Prior to occupancy of each phase | Sheriff | | | |
| <ul style="list-style-type: none"> Complex 1 and ancillary buildings: 580 off-street parking spaces Sheriff's Station and ICF: 235 parking spaces Complex 2: 375 parking spaces Complex 3: 530 parking spaces | | | | | | |
| 50a. No parking will be allowed on Alton Parkway. So long as the segment of Alton Parkway in the vicinity of the jail is under County jurisdiction, the Orange County Sheriff will enforce this measure. | No parking | Ongoing | Sheriff | | | |

| MW/ Coord. No. | Mitigation Measure/Condition of Approval | Monitoring and Reporting Process | Monitoring Milestone | Party Responsible for Monitoring | Verification of Compliance | | |
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| 51. | Prior to commencement of any construction activities, the County of Orange shall coordinate with the Southern California Edison, Southern California Gas, Pacific Bell, Irvine Ranch Water District, and Orange County Fire Authority regarding any construction activities to ensure existing facilities are protected and any necessary expansion or relocation is planned and scheduled in consultation with the appropriate public agencies. | Service agency coordination | Prior to commencement of construction | Director of Planning and Development Services | | | 000047 |
| 51a. | Prior to the commencement of construction of any jail building, the "Agreement for Acquisition of Potable Water Service from Irvine Ranch Water District for James A. Musick Facility" must be amended or replaced. This agreement allows for capacity in IRWD facilities to enable delivery of 0.27 cubic feet per second (cfs) of domestic water. The expansion and increased demand will require the agreement either be amended or replaced by a new agreement to reflect the expansion of the site, including project phasing and the payment of appropriate "fair share" capacity charges. As the project becomes clarified in terms of expansion plans, contact IRWD so that the appropriate service agreement can be drafted. Plans will be submitted to the development services section of IRWD for review and approval as soon as they become available. | IRWD | Prior to construction | Director of Planning and Development Services | | | |
| 51b. | At the time of the review of the "Agreement for Acquisition of Potable Water Service" each water use will be evaluated and IRWD will determine whether it will furnish potable or nonpotable water for the designated purpose. | IRWD | Ongoing | Director of Planning and Development Services | | | |
| 51c. | Prior to the commencement of jail construction exceeding 2,850 inmates or that equivalent, an amendment of the "Agreement for Acquisition of Interim and Permanent Sewer Service" for the Musick facility shall be negotiated with IRWD, and shall outline the costs for the use of existing sewers, potential future sewer improvements, and treatment and disposal capacity. | IRWD | Prior to exceeding 2,850 inmates | Director of Planning and Development Services | | | |
| 52. | Prior to the construction of any buildings on the Musick site, a further environmental site assessment shall be conducted to confirm the absence of agricultural chemicals in significant amounts, the absence of asbestos in buildings, and the absence of any environmental risks from the transformers. | Hazardous assessment | Prior to construction of any buildings | Director of Planning and Development Services | | | |

AGENDA ITEM TRANSMITT.



CONSENT ☐
DISCUSSION ☐
PUBLIC HEARING ☒

AGENCY/DEPT. USE

CLERK USE ONLY

CEO REVIEW

☐ Concur
☐ Do Not Concur
☒ Exempt

CONTACT FOR INFORMATION

Jerry Krans
Paul Lanning

PHONE

647-1802
834-3686

TO: BOARD OF SUPERVISORS COUNTY OF ORANGE

FROM: EMA

FILE: Musick Jail

| | | | |
|--|--|---|---|
| MEETING DATE November 5, 1996 | SUBJECT Expansion of James A. Musick Jail; Construction of Southeast Sheriff's Station; Relocation of the Interim Care Facility | | SUPV. DIST. 5 |
| SUMMARY OF REQUEST (Description for agenda) EMA and the Sheriff/Coroner request adoption of two resolutions: 1) certifying Final Environmental Impact Report 564 for the expansion of James A. Musick Jail, construction of the Southeast Sheriff's Station, and relocation of the Interim Care Facility; and, 2) approving the project, authorizing County staff to pursue funding for its implementation, and finding the project consistent with the General Plan and exempting it from the Orange County Zoning Code. | | | |
| ADDITIONAL DATA: Jail Expansion/Operation The proposed Musick Jail would be designed to incarcerate all inmate classifications (minimum, medium, and maximum security), and would increase inmate capacity from approximately 1,200+ to a population of approximately 7,584. An additional 384 inmates would also be accommodated on a short-term, emergency basis (i.e. 60 days or less). This constitutes the absolute maximum number of inmates which could be (continued on next page) | | | |
| PREVIOUS RELEVANT BOARD ACTIONS ON THIS SPECIFIC ITEM: M/O May 28, 1996, authorizing issuance of a contract for preparation of an EIR for the James A. Musick jail expansion project. | | | |
| FUNDING SOURCE(S) Not Identified | CURRENT YEAR COST N/A | ANNUAL COST N/A | BUDGETED? <input type="checkbox"/> YES <input type="checkbox"/> NO N/A |
| WILL PROPOSAL REQUIRE ADDITIONAL PERSONNEL? <input type="checkbox"/> NO IF YES, STATE NUMBER PERMANENT 1,361 LIMITED TERM | | CONSISTENT WITH BOARD POLICY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NEW ITEM OR EXCEPTION | |
| RECOMMENDED ACTION 1) Adopt resolution (Attachment 4), which: --finds adequate and certifies Final Environmental Impact Report 564 for the expansion and construction of James A. Musick Jail, Southeast Sheriff's Station, relocation of the Interim Care Facility, 2) Adopt resolution (Attachment 5), which: --approves the capital improvement project, and authorizes County staff to pursue funding for its final design and implementation; (continued on page 4) | | | |
| CONCURRENCES (If applicable) | | ATTACHMENTS 1. Proposed Final EIR 564 2. EMA Report to Planning Commission (continued on page 4) | |

Brad Gates, Sheriff-Coroner
BR:so(6101609084658)

DATE

John W. Sibley, Acting Dir

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ADDITIONAL DATA: (continued)

accommodated in the facility as proposed. The proposed development involves replacement of existing buildings with three new inmate housing units or "complexes", along with the construction of ancillary jail support facilities such as food service, laundry, warehouse, parking structures for staff and visitors, and a central plant.

The proposed expansion would require 1,361 additional Sheriff and Health Care Agency staff to operate the facility (excluding relief staff), spread over multiple shifts.

Currently all arrestees must be driven to Santa Ana for booking. To minimize the transportation burden on arresting officers serving south County, booking and release of inmates at the Musick site is part of the proposed project. Complex 1 would contain a complete booking and release facility similar to the Intake and Release Center (IRC) in Santa Ana. Booking includes remand orders from the courts and transfers of arrestees by local authorities. Release involves the discharge of an inmate following cite and release, posting of bail, release by the courts, or upon the completion of his or her sentence.

The project described in EIR 564 will do much to alleviate the jail overcrowding problems faced by the County. Although funding is not currently available to implement the project, it is appropriate for your Board to certify the EIR and direct county staff to pursue all feasible sources of funds for its implementation. Subsequent approvals by your Board may be required to proceed with additional steps in the overall implementation process.

Southeast Sheriff's Station

The need for a patrol facility serving the southeast region (east of the I-5 freeway) has been documented as early as 1976 by several EIRs and Community Facility District reports. The proposed Southeast Station would be the base for patrol and other law enforcement services for the cities of Lake Forest, Mission Viejo, and the unincorporated communities of Foothill Ranch, Portola Hills, Rancho Santa Margarita, Trabuco Canyon, Robinson Ranch, Rancho Cielo, Coto de Caza, Dove Canyon, Las Flores, and the new Ladera Community.

Law enforcement personnel providing these services would be deployed from this facility, which would include locker rooms, a secure area to house patrol cars, a public counter, and office space for law enforcement and support staff records.

It is projected that 218 persons would be assigned to the facility by the year 2005. Funding is available for this project from development fees obtained from projects approved in the service area.

Interim Care Facility

The ICF is a 24-bed residential facility for mentally disturbed adolescents who are wards of dependents of Juvenile Court. The ICF operates as a 24-hour seven-days-a-week facility, and would have approximately 35 staff to cover those hours of operation.

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The ICF has been operating at a location in the County's Manchester complex adjacent to the Orangewood facility and the Theo Lacy Jail for the past twelve years. The existing facility will be displaced by the planned expansion of the Theo Lacy facility. (Alternative locations for this facility are being considered at the MCAS Tustin and MCAS El Toro sites as part of the base closure process at those facilities.)

Consistency with the Orange County General Plan

Government Code Section 65402 requires that the Planning Agency of the County make a finding concerning the project's consistency with the County General Plan. Although the Planning Agency's position is documented in DEIR 564, the County reiterates its position here and in the findings that the project is consistent with the County General Plan.

EXEMPTION FROM REGULATIONS OF THE ZONING CODE

The James A. Musick property is within the unincorporated area, is zoned A1 (General Agricultural), and is subject to all the land use regulations of the Zoning Code. However, the County is the property owner, and the proposed land uses and operations constitute a capital improvement plan and master site plan which has been reviewed and approved by the Director, EMA, with respect to planning and environmental concerns. Therefore, the proposed project may be exempted from land use regulations of the Orange County Zoning Code pursuant to Section 7-9-20(i)(3) of that Code.

COMPLIANCE WITH CEQA

Proposed Final EIR 564 has been prepared in accordance with the California Environmental Quality Act, State Guidelines for implementation of CEQA, and the County's environmental analysis procedures. Attachment 4 is a draft resolution which, if adopted, will certify proposed Final EIR 564 as complete and adequate environmental documentation for the proposed actions.

A Mitigation Measure Monitoring and Reporting Plan for the proposed Final EIR 564 has been prepared in compliance with Public Resources Code Section 21081.6 and is attached to the certifying resolution. Several mitigation measures were added to the FEIR and the resolution at the request of the public. The purpose of this plan is to ensure that mitigation measures adopted as part of the EIR will be effectively monitored and implemented. Adoption of the Plan is incorporated into the attached resolution.

PLANNING COMMISSION'S RECOMMENDATIONS

On October 15, 1996, the Orange County Planning Commission recommended that your Board find adequate and certify proposed Final EIR 564. The EMA report to the Planning Commission is included as Attachment 2; Planning Commission Resolution 96-06 is included as Attachment 3.

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RECOMMENDED ACTION: (continued)

--finds project consistent with the General Plan and exempts the project from land use regulations of the Orange County Zoning Code, pursuant to Section 7-9-20(i)(3) of the Code.

ATTACHMENTS: (continued)

3. Planning Commission Resolution
4. Draft Board Resolution re: Certification of the EIR
5. Draft Board Resolution re: Approval of the Project and Exemption from the Zoning Code
6. Draft Sheriff Resolution

REQUEST FOR GENERAL PLAN CONFORMITY STATEMENT

DATE: October 25, 1996

TO: EMA Planning/Consistency Management Section

FROM: *Ray* EMA Environmental & Project Planning Division

PROJECT: James A. Musick Jail Expansion Project

STAFF CONTACT: Paul Lanning

PHONE: 834-3686

Please review the project for conformity with the Orange County General Plan, per Govt. Code Section 65402, and if it does conform, sign and return this form. If the project does not conform, please inform us with a special memo.

Project Description and Purpose:

To provide a solution to the Orange County jail capacity deficiency, the subject project is proposed. The project would replace the existing 1,200 inmate facility with a new larger jail complex for approximately 7,584 inmates. The proposed expansion would require 1,361 additional Sheriff and Health Care Agency staff to operate the facility (excluding relief staff) spread over multiple shifts. In addition to the jail, a Southeast Sheriff's Station is proposed to serve south County cities. In addition, an Interim Care Facility to serve 24 mentally disturbed adolescents is to be relocated here. Project Location: Marked on attached Thomas Guide page.

Additional Information:

CONFORMITY STATEMENT

The project conforms to the Orange County General Plan.

Frank McGill

Chief, Consistency Management Section

Date: 10-25-96

FM:sahCPM01-119
3042017112354

Revised 4-20-93

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ORANGE COUNTY FIRE AUTHORITY

PO Box 86, Orange, CA 92856-0086 • 180 South Water St., Orange, CA 92866-2175

Larry J. Holms, Director of Fire Services

(714) 744-0400

October 24, 1996

Paul Lanning
300 N. Flower, Room 321
Santa Ana, CA 92702

SUBJECT: James A. Musick Jail Expansion and Operation, Relocation of Interim Care Facility, Southeast Sheriff's Station DEIR No. 564

Dear Paul:

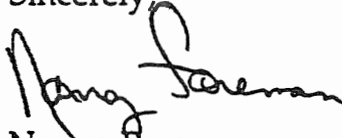
We wish to clarify our response to the Draft EIR for the Musick Expansion as it relates to fire and life safety issues.

The State Fire Marshal is listed as having regulatory authority over this project. Although the State Fire Marshal develops and adopts regulations for institutional facilities, enforcement of regulations pertaining to jail facilities are delegated to the local fire chief (13146 of the California Health and Safety Code). In addition the local fire chief has authority to enforce local amendments to the California Fire Code (CFC) and Uniform Fire Code (UFC). This authority pertains to review of design and construction plans, inspection during construction, issuance of permits for specified activities and processes, and annual inspection. Our intent in mentioning this issue is to clarify responsibilities and not to imply there is any significant impact from the project.

The Fire Authority is concerned with issues of fire protection and life safety. We do this through prevention. Should an emergency occur, our objective is to control a fire or mitigate a medical emergency before it has reached its maximum intensity. The dynamics of fire growth interrelate with configurations of fire station locations, built-in fire protection, and staffing. The fire risk at the proposed facility can be effectively mitigated through the installation of automatic fire sprinklers throughout all structures (institutional fire sprinkler heads are available). Other public safety risks related to fire and life safety can be mitigated during the design and construction phase by ensuring emergency access, fire protection water and fire alarm systems, as well as other fire code requirements as required by the 1994 Uniform Fire Code and California Fire Code. We note that the DEIR at page 179 specifically acknowledges that the buildings should be sprinklered. Again, our intent in mentioning this issue is to clarify responsibilities and not to imply that there is any significant impact from the project.

Staff at the Orange County Fire Authority look forward to working with Orange County Sheriff-Coroner staff to ensure that life safety and fire protection issues in and around the facility are properly addressed in subsequent phases of this project. I can be reached at 744-0484 if you have any further questions or concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Foreman", written over a horizontal line.

Nancy Foreman
Community Safety Department

pc: Ken MacLeod, Deputy Director of Fire Services
Jim Radley, Director of Community Safety Department
Chief Walker, Fire Marshal/Division Chief
Laura Blaul, Planning & Development
Jerry Krans, OCSD

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